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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8250 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.
2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? No.

CROWN ENGINEERING CO.

Versus

VASHRAM N PARMAR

Appearance:

NANAVATI & NANAVATI for Petitioner
NOTICE SERVED BY DS for Respondent No. 1
MR KB PANDE for Respondent No. 4,15

CORAM : MR.JUSTICE S.D.PANDIT

Date of decision: 28/07/98

ORAL JUDGEMENT

Rule. Mr.R.K.Pande waives service of notice of

Rule on behalf of respondents. This petition is filed to challenge the order passed on 30.9.1997 in the application filed by the present petitioner on 25.3.97 by the Labour Court at Vadodara in Reference No. 489 of 1997. I have heard both the sides. The Present petitioner wanted to recall the witness on behalf of the petitioner in order to cross examine him to prove that the workmen were in employment during the period between the date of retrenchment and till the date of hearing. Said application was rejected only on the ground of delay though the Labour Court has not specifically mentioned the same. But mere delay would not be a ground for rejecting the said claim. The delay caused could be adequately compensated by awarding costs. In the circumstances I allow this petition and quash and set aside the order passed by the Labour Court, Vadodara on application filed by the present petitioner for recalling of the witness and permitting him to adduce additional evidence by directing the petitioner to pay Rs. 250/- as costs to each of the workmen. The petitioner and the respondent workmen should appear before the Labour Court, Vadodara on 19.8.98. The Labour Court should give top priority to the said proceedings and dispose of the same before the end of this year. Rule is made absolute. No order as to costs.

(S.D.Pandit.J)